



United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

December 10, 2007

By Fax

Hon. Naomi Reice Buchwald
United States District Judge
United States Courthouse
500 Pearl Street, Room 2270
New York, New York 10007

Re: David Levanthal v. Astrue
07 Civ. 8066 (NRB)

Dear Judge Buchwald:

This Office represents the Commissioner of Social Security, defendant in the above-captioned action. I am writing to request an extension of defendant's time to answer or move with respect to the complaint.

The answer is due on December 10, 2007. Because we have not yet received the administrative record in this case, we wrote to plaintiff twice and requested his consent to a sixty-day adjournment of this date. Plaintiff did not respond to either of our written requests. Without a copy of the certified administrative record, this Office cannot assess the merits of the action nor answer plaintiff's complaint. See 42 U.S.C. § 405(g). In view of the foregoing, we respectfully request that defendant's time to answer or move with respect to complaint be extended sixty days, to February 11, 2008. No previous extensions have been sought in this case.


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Ordered:
[Signature]
[Signature]
[Signature]
USDA
12/11/07

Thank you for your consideration of this request

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:


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cc: David Levantahl
(By Mail)